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20 April 1959

Director of Training

Acting Chief, Plans and Policy Staff

**Public Law 85-567, Government
Employees Training Act**

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By

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1. You requested that PPS make an analysis of Public Law 85-567, Government Employees Training Act, to determine "What OTR must do to comply with the provisions set forth." The following excerpts from the law are believed to warrant review. These are followed by suggested action or conclusions.

2. Section 2(2). ...such programs...shall be so established as to be readily expansible in time of national emergency.

A review of emergency planning is now being made by and will encompass such things as expansion in time of national emergency. The plan will consider personnel, physical facilities, and equipment believed necessary to perform an expanded mission.

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- Section 2(3). It is the policy of Congress that such programs shall be designed to lead to:
- (A) Improved public service.
 - (B) Dollar savings.
 - (C) The building and retention of a permanent cadre of skilled and efficient Government employees well abreast of scientific, professional, technical, and management developments, both in and out of Government.
 - (D) Lower turnover of personnel.

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(E) Reasonably uniform administration of training consistent with the missions of Government departments and agencies.

(F) Fair and equitable treatment of Government employees with respect to training.

The policy that Congress has set forth is the attainment of the normal and fully understood beneficial effects of any training or educational program, such as dollar savings and the reduction of personnel turnover and therefore do not appear to warrant further action other than the continuance of the generally established method of training Agency employees. However, the announced policy of requiring the establishment of a continuous training program that will lead to the building and retention of a permanent cadre of skilled and efficient Government employees well abreast of scientific, professional, technical, and management developments, both in and out of Government, places a responsibility on the Agency which could conceivably be of greater magnitude than the presently sponsored program. It appears, therefore, that in order to comply with Congressional policy, every Agency function in the scientific, professional, technical, and management fields could be re-examined to determine if the present program is adequate in providing basic, intermediate, and advanced training in the many and varied skills necessary for Agency employees. (See Section 5.)

Section 4(b).

This act shall not apply to...any individual who is a member of the uniformed services as defined in Section 102 of the Career Compensation Act of 1949, as amended,

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during any period in which he is receiving compensation under Title II of such act.

The question concerning our authority to train military detailed to the Agency was referred to the General Counsel's office and they have stated that we are excluded from training military under the provisions of this

[REDACTED]

course, can apply to internal training. The General Counsel [REDACTED] stated that we do not have the authority at present to provide external training for the military. The only suggestion is that if this situation is ever encountered, a specific ruling be requested from the General Counsel's office.

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Section 5.

Within ninety days after the date of enactment of this act, and at least once every three years after the expiration of such ninety-day period, the head of each department shall conduct and complete a review of the needs and requirements of such department for training of employees under its jurisdiction.

The act was approved 7 July 1958. Strict compliance with Section 5, therefore, would have required a review of training needs and requirements prior to 4 October 1958 and a subsequent review every three years thereafter. Conferences, staff meetings, and requirements presented by the operating divisions can be considered as sufficient for the initial review; however, to comply with the three-year provision, it may be desirable to establish a working committee consisting of School and Staff Chiefs or their designees and chaired by the

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DDTR. This committee or the assignment of subcommittees could set forth the procedures necessary to obtain the required data. The first review must be accomplished prior to October 1961. The OTR working group can cite the act when requesting assistance from personnel assigned to the major components. It is probably desirable that in a project of this magnitude, individuals from operating components be detailed to the committee and/or subcommittees. The review should establish:

- (1) The value of present courses.
- (2) The number of employees who have attended the courses as presently constituted.
- (3) The number of people who have not been enrolled in the present available courses but who could benefit themselves and the Agency by attendance.
- (4) The determination by operating units of the need for specifically defined new training programs administered by OTR internally as well as those presented by other organizations externally.
- (5) OTR capabilities and men, money and material to achieve professional results in the presentation of new courses.

Section 7.

Within 270 days after the date of enactment of this act, the head of each department shall prepare, establish and place into effect a program or programs, and a plan or plans thereunder, in conformity with this act. Each such program... shall be operated and maintained with the provisions of this act and shall provide for adequate administrative control by appropriate authority.

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This provision, which had a deadline of 4 April 1959, appears to be applicable to agencies or departments that did not have a training program or plan in being. We are complying with this provision by having the program and providing adequate administrative control.

Section 8.

The program or programs of each department for the training of employees

(1) shall provide for training insofar as practicable by, in, and through those Government facilities which are under the jurisdiction or control of such department.

(2) shall provide for making to the extent necessary and appropriate agreements with other departments in any branch of the Government on a reimbursable basis if so requested by such other departments and agencies.

The Agency is complying with the provisions of this section. Part (2) may apply in a negative manner in that our problem appears to be control of requests from other departments and agencies.

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Section 9(a).

The head of each department is authorized to enter into agreements or make other appropriate arrangements for the training of employees by, in, or through non-Government facilities.

We are in conformity with this provision.

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Section 9 (c). Each department shall issue such regulations as it deems necessary to implement the regulations of the Commission in order to protect the Government with respect to the payment and reimbursement of training expenses.

Executive Order 10805, signed by the President on 18 February 1959, excepted the Agency from compliance with the regulations of the Civil Service Commission. Agency regulations pertaining to our training program have been revised to comply with this act and have been transmitted to the Regulations Control Staff, DD/S, for publication. They are as follows:

Organization and Functions of CIA, has been changed to cite applicable statutory authority

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Training at Non-CIA Facilities, has been revised in some detail and was approved by you prior to forwarding to the Regulations Control Staff. Attendance of CIA Personnel at Lectures in the Department of Defense Schools and Colleges

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Section 10.

provides that the head of each department may pay all expenses necessary for training; however, this excludes overtime, holiday, and night differential pay.

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This continues the present policy of no overtime, holiday, and night differential pay now existing in the Office of Training. This section of the act does, however, authorize payment for:

(a) Transportation of the immediate family of the trainee.

(b) Movement of household goods, personal effects, packing, crating, and temporary storage.

(c) Tuition and matriculation fees.

(d) Library and laboratory services.

(e) Purchase or rental of books, materials, or supplies.

(f) Other services directly related to training.

A negative factor under this section is that such expenses of training shall not be deemed to include membership fees except to the extent that such fees are a necessary cost directly related to the training itself or that payment thereof is a condition precedent to undergoing such training. It is suggested that the above provisions be called to the attention of Messrs. [] to determine if present policy changes are required. This has not been done prior to the submission of the paper to you to avoid further delay.

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Section 13.

Nothing contained in this Act shall be construed to authorize cost of training for the purpose of providing an opportunity to an employee to obtain an academic degree in order to qualify for appointment to a particular position for which an academic degree is a basic requirement or solely for the purpose of providing an opportunity to such employee to obtain one or more academic degrees.

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This is already OTR policy, but it is nice to read Congressional affirmation of our thinking.

Section 14. Prohibits training through facilities advocating overthrow of the Government by force or violence.

Originally an exception was asked for this section. This was not allowed, but it is presumed that if "training" were undertaken for the purpose of penetration, such "training" would, in our particular business,



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Section 19(a). ...contributions and awards incident to training in non-Government facilities may be made to, and accepted by employees, and payment of travel, subsistence, and other expenses incident to attendance at meetings may be made to, and accepted by, employees without regard to the provisions of section 1914 of Title 18 of the U. S. Code.

(c). Whenever under the authority of subsection (a) a contribution, award, or payment in cash or in kind is made to an employee for travel, subsistence, or other expenses an appropriate reduction in accordance with the regulations of the Director of the Bureau of the Budget shall be made from any payment by the Government to such employee for travel, subsistence, or other expenses incident to training in a non-Government facility or incident to attendance at a meeting.

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It may be desirable to quote the above on travel orders prepared for employees who are authorized training at an external establishment. Messrs. [redacted] attention will be called to the provisions of this section.

SIGNED

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